

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

OSHKOSH STORAGE COMPANY,

Plaintiff,

v.

Case No. 13-C-1246

KRAZE TRUCKING LLC,

Defendant.

ORDER DENYING MOTION TO VACATE JUDGMENT

On July 17, 2014, the Court entered a Decision and Order granting the plaintiff's motion for summary judgment in the above matter. The Order granting the motion also directed the clerk to enter Judgment accordingly. On August 27th the Court entered a further decision denying the defendant's motion for reconsideration. On September 26, 2014, the defendant filed an unopposed motion to vacate the Judgment pursuant to the settlement of the parties.

Rule 60 of the Federal Rules of Civil Procedure sets forth the grounds upon which relief from a final judgment can be granted. Agreement of the parties is not one of them. Normally, when a judgment is paid or settled, a satisfaction of the Judgment is filed with the Court. It is unclear why the parties chose to file a motion to vacate the Judgment instead. The Supreme Court has held in general that "mootness by reason of settlement does not justify vacatur of a Judgment under review." *U.S. Bancorp Mortg. Co. v Bonner Mall Partnership*, 513 U.S. 18, 29 (1994). The Court acknowledges that there may be exceptional circumstances that favor such a course, but no exceptional circumstances are presented in the parties' motion.

For these reasons, the motion will be denied. The denial, however, is without prejudice, and the parties may supplement their motion if they believe that an equitable case exists for vacating the Judgment.

SO ORDERED this 1st day of October, 2014.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court